

RESOLUTION  
NUMBER 2003-081

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, DESIGNATING A COMMUNITY REDEVELOPMENT AREA IN THE MURDOCK VILLAGE AREA OF CHARLOTTE COUNTY, FLORIDA; DETERMINING SUCH REDEVELOPMENT AREA TO BE A "BLIGHTED AREA" AS PROVIDED FOR IN SECTION 163.340, FLORIDA STATUTES; FINDING A NEED FOR AND ESTABLISHING A COMMUNITY REDEVELOPMENT AGENCY; DECLARING THE BOARD OF COUNTY COMMISSIONERS EX OFFICIO THE BOARD OF THE COMMUNITY REDEVELOPMENT AGENCY; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF AN APPLICABLE COMMUNITY REDEVELOPMENT PLAN AND COMMUNITY REDEVELOPMENT TRUST FUND ORDINANCE; AUTHORIZING AND DIRECTING THE DEVELOPMENT OF A REDEVELOPMENT STRATEGY TO ATTRACT COOPERATIVE AND QUALIFIED REDEVELOPMENT PARTNERS; PROVIDING FOR CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Findings. It is hereby ascertained, determined, and declared that:

(A) Chapter 163, Part III, Florida Statutes (the "Community Redevelopment Act" or the "Act") provides that there exist in counties and municipalities in the State of Florida slum and blighted areas and that the prevention and elimination of such slum and blighted areas is a matter of state policy and state concern.

(B) The Act further provides that certain slum or blighted areas may require acquisition, clearance and disposition and that certain areas may be susceptible of

conservation or rehabilitation such that the slum and blighted areas may be eliminated, remedied or prevented.

(C) The Act provides a mechanism by which counties may accomplish the redevelopment of slum and blighted areas and declares that such redevelopment serves a public purpose.

(D) On May 13, 2003, the Board of County Commissioners (the "Board") of Charlotte County (the "County") adopted Resolution Number 2003-073 which authorized and directed the use of consulting expertise for the purpose of identifying and analyzing a specific area of land within the unincorporated area of the County (the "Redevelopment Area") and investigating evidence of slum or blight therein.

(E) On May 12, 2003, both mailed and published notice was provided to all taxing authorities with the power to impose taxes within the Redevelopment Area, together with published notice that the Board would conduct a public hearing and consider this resolution. The provision of such notices was confirmed and ratified by Resolution 2003-073. The County Administrator has provided proof of such notice by affidavit which includes proof of all such mailed notices and proof of publication.

(F) In addition to being knowledgeable about conditions in Charlotte County and the Redevelopment Area, the Board has considered both staff, expert opinion, and public comment and input in addition to the data and analysis contained in the West Murdock Redevelopment Study Area Finding of Necessity Report, dated May, 2003, prepared and presented by Real Estate Research Consultants.

(G) The Board hereby finds there is a need to identify and designate the Redevelopment Area as a Community Redevelopment Area (as such term is defined in the

Act) to effect and carry out community redevelopment purposes and projects within the County.

(H) The Board desires to exercise the authority conferred upon the County by the Act to determine and agree by resolution that one or more slum or blighted areas exist within the County and particularly within the Redevelopment Area described in Exhibit A attached hereto and incorporated herein.

(I) Within the Redevelopment Area there exist:

(1) A substantial number of structures which include but are not limited to site improvements, subdivision infrastructure, roadways, buildings and other improvements arranged, built or constructed within the Redevelopment Area, and that such structures are physically and functionally deteriorated or are deteriorating in a manner which is leading to economic, physical and social distress; and the foregoing described structures, in their current condition, also present a threat to and endanger both life and property if not substantially repaired, retro-fitted, modified, rebuilt, or redeveloped;

(2) A predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;

(3) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the past five years;

(4) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;

(5) Unsanitary or unsafe conditions;

(6) Deterioration of site or other improvements;

(7) Inadequate and outdated building density patterns; and

(8) A diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the Redevelopment Area.

(J) The Board hereby finds that a blighted area exists within the Redevelopment Area and that the rehabilitation, conservation, or redevelopment, or a combination thereof, of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the County.

(K) The Board further finds that there is a need for a Community Redevelopment Agency to function in the County to carry out the community redevelopment provisions of the Act.

(L) It is the intent of the County to initiate redevelopment within the Redevelopment Area through creation of a Community Redevelopment Agency, Community Redevelopment Plan, and Community Redevelopment Trust Fund.

Section 2. Designation of Community Redevelopment Area. The Board hereby agrees and determines the Redevelopment Area, as depicted in Exhibit A attached hereto, to be a "blighted area" within the meaning of the Act and designates such area as appropriate for community redevelopment.

Section 3. Creation of the Murdock Village Community Redevelopment Agency.

(A) The Murdock Village Community Redevelopment Agency (the "CRA") is hereby created and established pursuant to Section 163.356, Florida Statutes. The CRA is constituted as a public instrumentality, and the exercise by the CRA of the powers

conferred by the Act shall be deemed and held to be the performance of an essential public function.

(B) Pursuant to Section 163.357, Florida Statutes, the Board hereby declares itself the governing body of the CRA. The Chairman and Vice Chairman of the County shall serve respectively as the Chairman and Vice Chairman of the CRA. A vacancy occurring during a term shall be filled in the same manner as provided for respectively filling a vacancy in the term of the Chairman, Vice Chairman, or other members of the Board. Coterminal with employment by the County, the County Administrator, County Clerk, and County Attorney or any special counsel to the County shall also serve respectively as the executive director, clerk, and general counsel or special counsel for the CRA.

Section 4. Powers. The CRA is authorized to exercise all of the powers conferred by the Act which are necessary and convenient to carry out and effectuate the purposes of community redevelopment and related activities within the County.

Section 5. Authority and Direction to Develop a Community Redevelopment Plan, Prepare a Community Redevelopment Trust Fund Ordinance, and Develop Redevelopment Strategy for Presentation to CRA. The CRA and its executive director, clerk, and counsel are authorized and directed to expeditiously proceed to timely develop, create, and seek comment upon (1) a community redevelopment plan, (2) a community redevelopment trust fund ordinance, (3) a strategy to attract more than one cooperative and qualified potential redevelopment partner, (4) a proposed process for redevelopment which will both expedite any redevelopment initiative and maximize County control in order

to assure that redevelopment actually occurs, and (5) a redevelopment initiative critical events timeline or schedule, all for consideration by the Board.

**Section 6. Effect of Adoption of Resolution.**

(A) The adoption of this Resolution shall be liberally construed to (1) comply with the adoption of findings of necessity required by Section 163.355, Florida Statutes, (2) create a community redevelopment agency pursuant to Sections 163.356 and 163.357, Florida Statutes, and (3) specifically document by resolution that the Board has agreed and determined the Redevelopment Area to be a "blighted area" within the meaning of the Act, and designate such area as appropriate for community redevelopment.

(B) If any one or more of the provisions of this Resolution should be held contrary to any express provision of law or contrary to the policy of express law, though not expressly prohibited, or against public policy, or shall for any reason whatsoever be held invalid, then such provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution.


(C) All prior resolutions of the County inconsistent with the provisions of this Resolution are hereby modified, supplemented, and amended to conform with the provisions herein contained.

**Section 7. Effective Date.** This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND DULY ADOPTED this 27th day of May, 2003.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

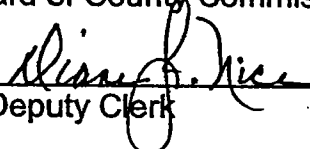
By

  
Matthew D. DeBoer, Chair

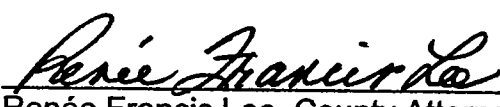

ATTEST:

Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By

  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
Renée Francis Lee, County Attorney 

p:\wpdata\public\jg\res\wmurdockcra.2\LR2003-192\052003

**EXHIBIT A**  
**REDEVELOPMENT AREA**



## **EXHIBIT A**

### **Description of the Community Redevelopment Area Located in the Unincorporated West Murdock Area of Charlotte County, Florida**

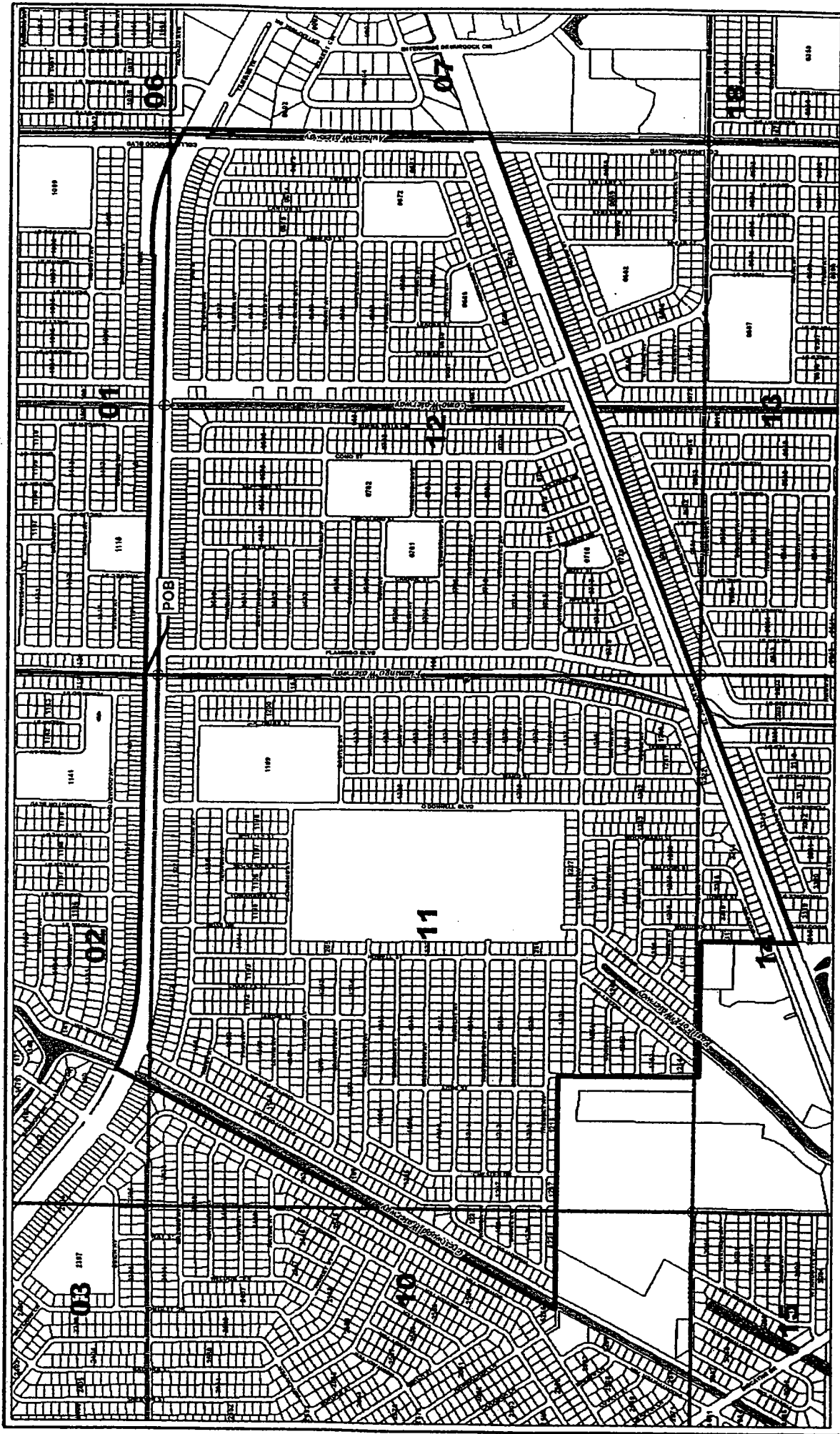
An area lying in Section 1, 2, 10, 11, 12 and 14, Township 40 South, Range 22 East, Charlotte County, Florida being more particularly described as follows:

Commencing at the Southeast section corner of Section 2, Township 40 South, Range 21 East; thence run north along the east section line of section 2 to the north right-of-way line of State Road 45 (200'- 255' ROW) (aka - U.S. 41 and Tamiami Trail) and the Point of Beginning:

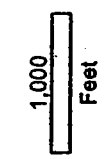
From said Point of Beginning; thence run west and northwest along the north right-of-way line of State Road 45 (200' to 255' ROW) (aka - U.S. 41 and Tamiami Trail) to the west right-of-way line of the Crestwood Waterway (125' ROW); thence southwest along the west right-of-way line of the Crestwood Waterway to the extension of the south lot line of Tract H of Block 1187, Port Charlotte Subdivision Section 35 as recorded in Plat Book 5, Page 39 of the Official Records of Charlotte County, Florida, said line is also the south line of said subdivision; thence east along the south line of blocks 1187, 1226, 1247 & 1214 of said subdivision to the center line of the right-of-way of Orlando Street (50' ROW) (renamed Orchard Street), thence south along the centerline of Orchard Street to the intersection of the south right-of-way line of Jolan Avenue (50') (renamed Jenks Drive); thence east along the south right-of-way of Jenks Drive to the extension of the east line of Block 3317 of Port Charlotte Subdivision Section 46, as recorded in Plat Book 5, Page 57 of the Official Records of Charlotte County, Florida; thence south along the west line of said block extended to the intersection of said line with the south right-of-way line of State Road 776, (200' ROW), thence northeast along the south right-of-way of State Road 776 to the intersection with the east right-of-way line of the Auburn Waterway, (100' ROW); thence north along the east right-of-way of the Auburn Waterway to the intersection with the north right-of-way line of State Road 45 (200'- 255' ROW) (aka U.S. 41 and Tamiami Trail); thence northwest and west along said right-of-way to the Point of Beginning. Containing 1,197.8 Acres+/-

The Basis of Bearing of the description above is the east line of Section 2, Township 40 South, Range 21 East, in Port Charlotte Subdivision Section 30, as recorded in Plat Book 5 Page 23 of the Official Records of Charlotte County, Florida

A map of the legal description is attached hereto for illustrative purposes only.



# **MURDOCK VILLAGE** Sketch of Legal Description



This map was prepared by the City of Murdock, Nebraska, for the purpose of showing the legal description of the Murdock Village. The map is based on the official records of the County of Douglas, Nebraska, and is subject to change without notice. The map is not to be used for any other purpose without the express written consent of the City of Murdock, Nebraska.